

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Case No. 07-20627

Honorable Marianne O. Battani

D-2 SCOTT K. BRADLEY,

Defendant.

\_\_\_\_\_/.

**STIPULATED PRELIMINARY ORDER OF FORFEITURE**

The United States of America, by and through its attorneys, TERRENCE BERG, United States Attorney for the Eastern District of Michigan and JULIE A. BECK, Assistant U.S.

Attorney, together with defendant SCOTT K. BRADLEY, by and through his attorneys, NEIL H. FINK and JORIN G. RUBIN, hereby submit this Stipulated Preliminary Order of Forfeiture:

1. WHEREAS, an Indictment was filed on January 3, 2008, which charged defendant with violating Count 1- 18 U.S.C. §§ 371, 1037(a)(3)-(a)(4), (b)(2)(B) and (C); Counts 2 through 4 - 18 U.S.C. §§ 1037(a)(4), 1037(b)(2)(B) and C, and 2; Count 5 - 18 U.S.C. §§ 371, 1037(a)(2)-(a)(3), 1037(b)(2)(C), 1341, and 1343; Count 6 - 18 U.S.C. §§ 1037(a)(2), 1037(b)(2)(C), and 2; Count 7 - 18 U.S.C. §§ 1037(a)(3), 1037(b)(2)(C), and 2; Counts 8 through 11- 18 U.S.C. §§ 1341 and 2; Counts 12 through 25 - 18 U.S.C. §§ 1343 and 2; Count 26 - 18 U.S.C. §§ 1956(h) and 1957; Counts 27 through 38 - 18 U.S.C. §§ 1957 and 2; Count 39 - 18 U.S.C. §§ 371, 1037(a)(1), (b)(2)(C), 1030(a)(5)(A)(i), 1030(b); Count 41 - 18 U.S.C. §§ 1037(c), 981(a)(1)(C), 982(a)(1) and (2)(A) and (B), and 28 U.S.C. § 2461.

2. WHEREAS, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and/or 982(a)(1) and Title 28, United States Code, Section 2461, if convicted of one or more of the offenses alleged in Counts 26 through 38, defendant Scott K. Bradley shall forfeit to the United States, all property, real or personal, or any property traceable thereto, involved in the violations, or constituting proceeds or property traceable thereto of the violations, or conspiracy to commit such violations.

3. WHEREAS, on June 22, 2009, defendant entered into a Rule 11 Plea Agreement and pled guilty to Counts 5, 6, 13 and 28 of the Indictment.

4. WHEREAS, the parties have agreed that defendant shall forfeit Two Hundred Fifty Thousand Dollars, (\$250,000), which constitutes property, or property traceable to gross proceeds obtained from violations of Title 18, United States Code, Sections 1037(a), 1341, 1343 and 1957, as set forth in this Agreement.

5. WHEREAS, pursuant to his Rule 11 Plea Agreement, with respect to the Subject Currency, defendant agrees to the entry of one or more orders of forfeiture of his interests in such property upon application by the United States at, or any time before, his sentencing in this case.

6. WHEREAS, defendant Scott K. Bradley waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43 regarding notice to the defendant of the Government's intent to forfeit property, pronouncement of forfeiture at sentencing, and incorporation of forfeiture in the judgment. Defendant Scott K. Bradley acknowledges that he understands the forfeiture of assets is part of the sentence that may be imposed in this case and waives any failure by the Court to

advise him of this, pursuant to Rule 11(b)(1)(J).

7. WHEREAS, there is a companion civil forfeiture case, *United States v. \$11,556 in U.S. Currency, et al.*, Case No. 08-12568, currently stayed, the Honorable Gerald E. Rosen, presiding. Defendant agrees to lift the stay and enter into a stipulated dismissal of that case with prejudice and resolve all forfeiture matters in this Agreement. The government shall take no further action against the assets described in this Agreement.

8. WHEREAS, the affidavit of interest and lis pendens filed in the chain of title for 6237 Branford, Township of West Bloomfield, Michigan, shall be withdrawn and discharged immediately after sentencing, and this shall resolve all civil and criminal forfeiture matters in this case.

9. WHEREAS, Defendant Bradley knowingly, voluntarily and intelligently waives any challenge to the above described forfeiture based upon the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.

NOW THEREFORE, based upon the Indictment, defendant's acknowledgment of forfeiture, and the information in the record;

IT IS HEREBY ORDERED that the defendant shall forfeit his interest in \$250,000.00 in U. S. Currency as follows:

Defendant shall forfeit Seven Thousand Seven Hundred Eighty Seven Dollars and Eight Cents in U.S. Currency (\$7,787.08) from Comerica Bank Checking Acct # xxxxxxxx175-9 in the name of Scott or Diana Bradley, seized pursuant to a federal seizure warrant on January 3, 2008.

Defendant shall further forfeit Two Thousand Three Hundred Seventy Eight Dollars and

Sixty-One Cents in U.S. Currency (\$2,378.61) from Comerica Bank Savings Acct # xxxxxx4041 in the name of Diana Bradley ITF Dylan Parker Bradley, seized pursuant to a federal seizure warrant on January 3, 2008.

Defendant Scott Bradley has provided a certified check to the United States Department of Treasury in the amount of Sixty Thousand Dollars (\$60,000).

The government agrees to submit a request to Morgan Stanley to “unfreeze” the following accounts so that defendant may satisfy the remainder of his obligation, One Hundred Seventy Nine Thousand Eight Hundred Thirty Four Dollars and Thirty-One Cents (\$179,834.31), by paying the United States with a certified check written to the United States Department of Treasury within ten (10) days of entry of this Order, with funds from the following frozen accounts:

All funds in the Dean Witter/Morgan Stanley Account No. xxxxxx3684, in the name of Diana Bradley, which account was previously seized in place pursuant to a federal seizure warrant on January 3, 2008. On that date, One Hundred Ninety-Eight Thousand Two Hundred Sixty-Nine Dollars in U.S. Currency (\$198,269.00) was in the account. Thirty-Four Thousand Five Hundred Ninety Two Dollars in U.S. Currency (\$34,592.00) from Morgan Stanley/Dean Witter Acct # xxxxxx3607, in the name of Scott K. Bradley, seized pursuant to a federal seizure warrant on January 3, 2008;

Twenty-Nine Thousand Six Hundred Ninety Two Dollars in U.S. Currency (\$29,692.00) from Morgan Stanley/Dean Witter Acct # xxxxxx3612 in the name of Scott K. Bradley FBO Brendan T. Bradley, seized pursuant to a federal seizure warrant on January 3, 2008;

Eleven Thousand Five Hundred Fifty-Six Dollars in U.S. Currency (\$11,556.00) from Morgan Stanley/Dean Witter Account No. xxxxxx-xxxxxx5576, in the name of Diana Bradley, seized pursuant to a federal seizure warrant on January 3, 2008;

Twenty Four Thousand Four Hundred Thirty-One Dollars in U.S. Currency (\$24,431.00) from Morgan Stanley/Dean Witter Account No. xxxxxx7240/xxxxxx7240; in the name of the Diana Bradley Family Trust, seized pursuant to a federal seizure warrant on January 3, 2008;

Sixty Thousand Six Hundred Seventy-Seven Dollars in U.S. Currency (\$60,677.00) from Morgan Stanley/Dean Witter Acct #xxxxxxxxxxxxxxxxxx5657 in the name of Scott Bradley, seized pursuant to a federal seizure warrant on January 3, 2008;

One Thousand Six Hundred and Six Dollars in U.S. Currency (\$1,606.00) from Morgan Stanley/Dean Witter Acct #xxxxxxxxxxxxxxxxxx5658 in the name of Scott Bradley, seized pursuant to a federal seizure warrant on January 3, 2008;

One Thousand Six Hundred Fourteen Dollars in U.S. Currency (\$1,614.00) from Morgan Stanley/Dean Witter Acct # xxxxxx2043 in the name of Diana Bradley, seized pursuant to a federal seizure warrant on January 3, 2008.

IT IS FURTHER ORDERED that, upon entry of this Order, the United States is hereby authorized, pursuant to Federal Rule of Criminal Procedure 32.2(d)(2), to conduct any discovery that the Court considers proper to help identify, locate, or dispose of such substitute assets, and United States is authorized to begin proceedings consistent with applicable statutory requirements pertaining to ancillary hearings and the rights of any third parties.

The United States shall publish for at least thirty (30) days, on [www.forfeiture.gov](http://www.forfeiture.gov), an official government internet site, notice of this Preliminary Order of Forfeiture and its intent to dispose of the Subject Property in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n). Said notice shall direct that any person, other than defendant, asserting a legal interest in the Subject Property may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the property. The petition must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the property, the time and circumstances of the

petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the property.

Pursuant to Fed.R.Crim.P. 32.3(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed.R.Crim.P. 32.2(c)(2).

The Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed.R.Crim.P. 32.2.

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Agreed as to form and substance:

TERRENCE BERG  
United States Attorney

s/Julie A. Beck  
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[P53291]

Dated: December 30, 2009

s/Neil H. Fink  
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Dated: December 30, 2009

s/Jorin G. Rubin  
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Dated: December 30, 2009

s/Scott K. Bradley  
Defendant

Dated: December 30, 2009

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IT IS SO ORDERED.

Dated: December 30, 2009

s/Marianne O. Battani  
HONORABLE MARIANNE O. BATTANI  
United States District Judge